

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TODD MICHAEL BELANGER

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VERSUS

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CIVIL ACTION

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NO. 4:20-cv-04089

McDERMOTT INTERNATIONAL, INC.;

*

J. RAY McDERMOTT, S.A.; J. RAY

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McDERMOTT, INC.; and McDERMOTT, INC. *

**JOINT MOTION FOR CONTINUANCE OF TRIAL DATE
AND NEW SCHEDULING ORDER**

Plaintiff Todd Michael Belanger (“Plaintiff”) and Defendants McDermott International, Inc., J. Ray McDermott, S.A., and McDermott, Inc, f/k/a J. Ray McDermott, Inc., (“Defendants”) through their counsel of record, respectfully request the Court grant this Motion to Continue the present trial date, and issue a new Scheduling Order that briefly continues this matter for the following reasons:

1. This is a Jones Act negligence and general maritime law unseaworthiness trip and fall case.
2. The Court issued its Original Scheduling Order on April 26, 2021, with a docket call set for March 7, 2022.
3. Following the issuance of the Original Scheduling Order, the Parties exchanged Initial Disclosures and served and responded to written discovery. The Plaintiff and various employees of the Defendants were also deposed. The Plaintiff underwent two surgeries, and as a result, two Independent Medical Evaluations. The second surgery occurred on October 27, 2021 and was a two-level lumbar fusion with instrumentation. This surgery delayed Plaintiff’s counsel’s ability to designate a full slate of experts and

provide reports since some of those experts, medical, economic and vocational needed to have a clear picture of Plaintiff's recovery in forming their expert opinions. As a result, the Parties were unable to designate experts by the deadline. Additionally, the impact of Hurricane Ida created a substantial burden on Plaintiff and his Counsel.

4. As a result of the foregoing, the Parties Jointly moved for a continuance on December 9, 2021 that this Court granted and issued a First Amended Scheduling Order on January 10, 2022 with a Docket Call date of September 12, 2022.
5. The Parties subsequently designated experts, exchanged expert reports and completed most factual discovery. The Parties were on track to have this matter ready for trial as of the Docket Call date of September 12, 2022, until Plaintiff's Counsel was recently advised that his Safety Expert, Robert E. Borison, had become gravely ill and was hospitalized, rendering him incapable of testifying at trial. As such Plaintiff's Counsel was required to retain a new expert in place of Mr. Borison, which will require additional time for Defendants to conduct discovery related thereto, including any amendment to Defendants' expert reports as may be necessary, and the depositions of the relevant experts.
6. The Parties respectfully request a Second Amended Scheduling Order reflecting the following dates.
 - Plaintiff designates a new liability expert and furnishes a report by: October 3, 2022
 - Defendant furnishes a liability expert report in response by: November 2, 2022
 - Discovery to be completed by: December 1, 2022
 - Docket Call to be held at 11:30 AM on _____.

7. The Parties do not believe they will be able to orderly proceed to trial under the First Amended Scheduling Order. As such, the Parties jointly request that this court enter the attached Second Amended Scheduling Order. This relief is sought so that this case can be properly developed in the best interest of both Parties, and not simply for delay.

Respectfully submitted,

/s/ Charles C. Bourque, Jr.

Charles C. Bourque, Jr. (LSBA 20118)

cbourque@stmbllaw.com

Christopher J. St. Martin (LSBA 26122)

cstmartin@stmbllaw.com

Joseph G. Jevic, III (LSBA 23145)

jjevic@stmbllaw.com

Admitted *Pro Hac Vice*

ST. MARTIN & BOURQUE

315 Barrow St.

Houma, Louisiana 70360

Phone: (985) 876-3891

Fax: (985) 851-2219

and

MICHAEL PATRICK DOYLE

State Bar No. 06095650

PATRICK DENNIS

State Bar No. 24045777

JEFFREY I. AVERY

State Bar No. 24085185

DOYLE, LLP

The Clocktower Building

3401 Allen Parkway, Suite 100

Houston, Texas 77019

Phone: (713) 571-1146

Fax: (713) 571-1148

service@doylelawfirm.com

Attorneys for Plaintiff

Todd Michael Belanger

/s/ Walter J. Gallant *
Walter J. Gallant
Attorney-in-Charge
Texas Bar No. 00784100
S.D. I.D. No. 15394
LEWIS BRISBOIS BISGAARD & SMITH LLP
24 Greenway Plaza, Suite 1400
Houston, TX 77046
Telephone: 713/659-6767
Facsimile: 713/759-6830
Email: Walter.Gallant@lewisbrisbois.com
ATTORNEYS FOR DEFENDANTS
McDERMOTT
INTERNATIONAL, INC., J. RAY McDERMOTT,
S.A., and McDERMOTT, INC.

* Signed with permission.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon all counsel of record by CM/ECF, this 22nd day of August, 2022.

/s/ Charles C. Bourque, Jr.